

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|---------------------------------|----------|---|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. _____ |
| v. | : | DATE FILED: _____ |
| AARON GRAY | : | VIOLATIONS: |
| JAMES CONNORS | : | 18 U.S.C. § 1344 (bank fraud - 2 counts) |
| | : | 18 U.S.C. § 2 (aiding and abetting - 2 counts) |
| | : | Notice of additional factors |

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Sovereign Bank was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation.
2. From on or about December 5, 2000, to on or about January 18, 2001, in the Eastern District of Pennsylvania, defendant

AARON GRAY

executed and attempted to execute and aided and abetted the execution of a scheme to defraud Sovereign Bank and to obtain monies owned by and under the care, custody, and control of Sovereign Bank by means of false and fraudulent pretenses, representations, and promises.

The Scheme

3. Defendant AARON GRAY and others known to the grand jury wrote and caused the writing of counterfeit and worthless checks in order to deposit and cause the deposit of such checks into accounts at Sovereign, for the purpose of showing false and inflated balances, so that:

a. money could be stolen through withdrawals, including cash withdrawals using automated-teller machines (ATM's); and

b. ATM/check cards associated with fraudulently inflated accounts could be used to purchase goods and services, including postal money orders, at the point of sale ("POS") in order to defraud the bank where the fraudulently inflated account was maintained.

4. On or about December 5, 2000, defendant AARON GRAY opened Sovereign checking account no. 2071519701, at the request and instruction of John Rice, charged elsewhere, using his own Pennsylvania drivers license.

5. From on or about January 8, 2001 to on or about January 18, 2001, John Rice deposited and caused the deposit of four counterfeit and worthless checks in the aggregate amount of approximately \$22,507.30 into defendant AARON GRAY'S Sovereign account.

6. From on or about January 11, 2001 to on or about January 18, 2001, fourteen ATM, twenty-four POS, and three bank teller withdrawals were made from defendant AARON GRAY'S account totaling approximately \$18,175.88.

In violation of Title 18, United States Code, Sections 1344 and 2.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. M&T Bank was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation.

2. From on or about January 9, 2001, to on or about February 6, 2001, in the Eastern District of Pennsylvania, defendant

JAMES CONNORS

executed and attempted to execute and aided and abetted the execution of, a scheme to defraud M&T Bank and to obtain monies owned by and under the care, custody, and control of M&T Bank by means of false and fraudulent pretenses, representations, and promises.

The Scheme

3. Defendant JAMES CONNORS, and others, wrote and caused the writing of counterfeit and worthless checks in order to deposit and cause the deposit of such checks into accounts at M&T Bank, for the purpose of showing false and inflated balances, so that:

- a. money could be stolen through withdrawals, including cash withdrawals using automated-teller machines (ATM's); and
- b. ATM/check cards associated with fraudulently inflated accounts could be used to purchase goods and services, including postal money orders, at the point of sale ("POS") in order to defraud the bank where the fraudulently inflated account was maintained.

4. On or about January 9, 2001, defendant JAMES CONNORS opened M&T checking account no. 8892366918, at the request and instruction of John Rice, charged elsewhere, using his own identification.

5. On or about January 30, 2001, John Rice deposited and caused the deposit of one counterfeit and worthless check in the amount of approximately \$4,873.62 into defendant JAMES CONNORS' M&T account.

6. From on or about January 30, 2001 to on or about February 6, 2001, one POS and four ATM withdrawals were made from defendant JAMES CONNORS' account totaling approximately \$3061.50

In violation of Title 18, United States Code, Sections 1344 and 2.

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. In committing and aiding and abetting the offense charged in Count One of this indictment, defendant AARON GRAY:

a. Caused a loss or attempted loss to Sovereign Bank in excess of \$10,000, as described in U.S.S.G. § 2B1.1(b)(1)(C).

A TRUE BILL:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
UNITED STATES ATTORNEY